

REMARKS

Claims 1-9 are pending in the application.

Applicant's independent claims have been amended herein to clarify the claimed invention. In applicant's claims, for example upon the discovery of a new best path that is more suitable for a particular connection than the path that is currently used for the particular connection, the particular connection is released while maintaining the connectivity of other existing calls.

In addition it is noted applicant's claims 1 and 6 include a new best path setting means for performing a call connection procedure by using the new best path, after said connection releasing means has released the current connection

Claims 1-9 are rejected under 35 U.S.C. 103(a) as unpatentable over Harada, et al. (5,956,339) (Harada), in view of Dommetry et al (6,6454,361) (Dommetry).

The Office Action asserts that Harada discloses every feature of applicant's claims except for the connection releasing means. However, it is respectfully submitted that the Office Action does not point out any correspondence to applicant's claimed new best path setting means recited in claims 1 and 6.

In Dommetry, the Abstract describes that the call is switched to the new segment and the corresponding old segment on the old connection is released. This is in contrast to applicants new best path setting means where the call connection procedure is performed after the connection releasing means has released the current connection.

In column 3, lines 50-54, Dommetry describes:

"Once the location of the crossover node is determined, a route is established along the new path..., the handoff takes place and then the unnecessary portion of the old path is dropped."

That is, in Dommetry, the old path segment is released after a new path is established. In contrast to this, in applicant's claimed invention, the old connection is first released, and then a new connection is established on a new best path.

Claims 1, 4 and 6

In addition Dommetry discloses a method to change a connection path in an handoff procedure. A handoff procedure is initiated by a change in the location of a remote user. It is important to note that Dommetry assumes mobile ATM and IP networks, where a user can move from one location to another location, necessitating a new connection path to be established upon the movement of the end nodes. Once established, the path remains fixed as long as the two end nodes are fixed.

Applicant's claims 1, 4 and 6, in contrast to Dommetry, include that the claimed connection releasing means, or connection release requesting means, is "triggered by said destination-side best path finding means upon discovery of a new best path that is more suitable for a particular connection than a path that is currently used."

That is, the discovery of a new best path for an existing connection triggers a release of that connection, whereas in Dommetry the rerouting process is caused by the movement of a mobile user. Dommetry fails to describe that a connection is released upon discovery of a new best path. Applicant's communication apparatus changes the path of an existing connection even between fixed network nodes.


For at least the foregoing reasons it is respectfully submitted that claims 1, 4 and 6 are patentably distinguished from the combination of references. The respective dependent claims include at least the distinguishing features of the independent claims and further include

additional distinguishing features. For at least these reasons it is respectfully requested the rejection of claims 1-9 be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


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